

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22250 of 2004

Between:

Ch. Bala Satyam, S/o. Satyam,
R/o. Gollapalem, Tarlupadu (Mandal)
Prakasam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kandukur Division, Kandur

(Post & Mandal), Prakasam District.

2 The Joint Collector, Ongole, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of 1st respondent in RCF/2126/2004 dt. 18-10-2004 suspending the authorisation of the petitioner as illegal, arbitrary and without jurisdiction and consequently direct the Respondents to permit the petitioner to run the Fair Price Shop at Gollapalli Village.

Counsel for the Petitioner: MR.S.SIVA PRASAD

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

-

-

Petitioner is a Fair Price Shop Dealer of Gollapalli Village, Tarlupadu Mandal, Prakasham District. His authorization was suspended by the 1st respondent through order, dated 18.10.2004. Petitioner claims to have preferred an appeal before the 2nd respondent together with an application for grant of stay. His grievance is that the 2nd respondent has rejected the application for stay and that he is disabled from functioning as dealer.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner has already availed the remedy of appeal against the order of suspension. Though the 2nd respondent is said to have rejected the application for stay, copy of the same is not filed, alleging that it was not furnished to the petitioner.

A perusal of the order of suspension, in the context of the feasibility of granting any interim orders, pending the appeal, discloses that the charges are not *prima facie* grave. The explanation offered by the petitioner on various charges was rejected under a sweeping observation 'not satisfactory'. It is true that elaborate consideration is not expected at this level. However, ignoring a valid explanation, just with an observation that it is not satisfactory, would defeat the very purpose of issuance of show cause notice. Further, there are no allegations that the petitioner has diverted the essential commodities to black market or that he has not distributed

the essential commodities.

Hence, the writ petition is disposed of directing that the order of suspension, dated 18.10.2004, passed by the 1st respondent shall remain stayed, pending disposal of the appeal by the 2nd respondent. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Dated : 03rd December, 2004

Ts

To

1 The Revenue Divisional Officer, Kandukur Division, Kandur

(Post & Mandal), Prakasam District.

2 The Joint Collector, Ongole, Prakasam District.

3 2CCs to the Government Pleader for Civil Supplies, High

Court Buildings, Hyderabad. (O.U.T)

4 2CD copies.